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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENT *RE* ELECTION TO THE HOUSE COMMITTEE.

MR. CHAIRMAN: I have to inform the House that the following six candidates have been nominated for election to the House Committee for the financial year 1959-60 :—

- 1 Sri T. Joghee Gowder.
- 2 „ John Asirvatham.
- 3 „ T. P. Srinivasavaradan.
- 4 „ G. Krishnamoorthy.
- 5 Srimathir Saraswathy Pandurangam.
- 6 Sri E. Janakirama Mudaliar.

As the number of candidates nominated is equal to the number of vacancies to be filled, viz., six, I hereby declare them to have been duly elected to the House Committee.

In addition to the above, under rule 171 (1) of the Madras Council Rules, I nominate the following two Members to be members of the said Committee :—

- 1 Sri L. S. Karayalar.
- 2 „ A. Subramanyam.

The Deputy Chairman shall be the Chairman of the Committee.

III.—GOVERNMENT BILL.

THE MADRAS GRAMDAN VILLAGES (REPAYMENT OF DEBTS) BILL, 1959
(L.C. BILL NO. 3 OF 1959).

* THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, Sir, I beg to move—

‘That the Madras Gramdan Villages (Repayment of Debts) Bill * 1959 (L.C. Bill No. 3 of 1959) be taken into consideration.’

Sir, the House is, no doubt, aware of the great Bhoodan Yagna Movement initiated by Sri Acharya Vinobh Bhave. Under his inspiration, a process of silent, bloodless revolution has been initiated in the rural areas which may ultimately result in the creation of a new social order. The Bhoodan Yagna Movement took a new turn with the Sarvodaya Sannelan held at Puri in March 1955. The movement for gifting lands in favour of the landless has logically culminated in the Gramdan or the gift of lands in favour of the village community. The House is also aware that our State has not been lagging behind the other States in respect of the Bhoodan and Gramdan Movement. So far, about 232 villages have been donated in our State for Gramdan and out of this in Madurai district alone about 203 villages have been given for Gramdan. It is expected that the example set by Madurai district will inspire other districts also to greater endeavours in behalf of this movement.

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The voluntary donation of lands for Bhoodan or of villages for Gramdan has brought in its wake many problems, for which Government have to find a solution. The House is aware that for regularizing and facilitating the transfer and settlement of lands donated for the Bhoodan Yagna Movement for the benefit of the landless poor or for community purposes, Government enacted the Madras Bhoodan Yagna Act in 1958. This Act, though intended to deal primarily with Bhoodan lands, also contains some special provisions in regard to Gramdan. That Act has provided for the vesting of all Gramdan lands in any Gramdan village in the Sarvodaya Panchayat constituted for the village. The Sarvodaya Panchayat will have possession of and manage all such lands. The Madras State Bhoodan Yagna Board has also been formed as envisaged under the Act for carrying out the various purposes of the Act.

3-20 p.m. A survey of Gramdan villages made by a Special Committee appointed by Government has disclosed that in Gramdan villages the problem of indebtedness of the agriculturists is very acute and facilities for credit should be provided urgently. The Government sanctioned about Rs. 20 lakhs for granting special takkavi loans to the agriculturists for cultivation operations, etc., in the several Gramdan villages in the State. Ten Sarvodaya Co-operative Societies have also been formed in Madurai district. Government have given them financial grants and other types of assistance to the tune of over six lakhs of rupees to enable them to undertake the improvement of the concerned villages like deepening of wells, sinking of new wells, installation of pumpsets, purchase of agricultural implements and bulls and also for the improvement of other village industries.

The problem of clearance of prior debts has, however, to be tackled. It has been brought to the notice of Government that the villagers are being harassed by the creditors on the mere fact of their having consented to make 'Gramdan' of their lands. It has also been reported that execution proceedings in certain cases have been taken and in some cases even the extreme step of imprisonment of defaulters has been undertaken. The Government are anxious to prevent the cultivators in Gramdan villages from being harassed, so that the agricultural operations in these villages may not be hampered. The Government wish that the Gramdan Movement which is making progress in this State should not be jeopardised by the creditors resorting precipitately to Court for realization of debts and they also want that facilities should be provided for discharge of prior debts in easy instalments. The question was, therefore, considered whether any special arrangements were necessary for imposing a moratorium for a specified period on the repayment of debts in Gramdan villages. It was felt that the moratorium should apply to all persons in Gramdan villages and that it could not be restricted only to those who have donated their lands because till all the formalities provided under the Madras Bhoodan Yagna Act, 1958, are completed, it will not

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be easy to establish whether a particular person has made Gramdan of all his lands. The creditors in Gramdan villages need not fear that they have lost their money as suitable provision for the repayment of debts has been made after the expiry of the period of moratorium.

The Government have decided that the moratorium should be in the form of barring the institution of suits and making of applications for execution of decrees in respect of debts due from persons residing in any of the villages specified in the Schedule to the Bill for a period of one year against their person and property—movable or immovable. The debtors in the scheduled villages are permitted to pay the debts in three equal annual instalments after the expiry of the period of one year. Debts due to the Central Government and the State Government and the Co-operative Societies will be exempt from the proposed moratorium. The Bill when enacted will be applicable to the villages specified in the Schedule but the Government may, by notification, include any other village in the Schedule.

Sir, I have now briefly indicated the objects of the Bill. I have no doubt that this beneficent piece of legislation will provide respite to the agriculturists in Gramdan villages and enable them to concentrate on stepping up agricultural production without harassment by their creditors. I now commend the motion for the acceptance of the House.

MR. CHAIRMAN : Motion moved—

That the Madras Gramdan Villages (Repayment of Debts) Bill, 1959 (L.C. Bill No. 3 of 1959) be taken into consideration.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, the motive with which this Bill has been drafted is a laudable one. But there are certain principles which have to be looked into and we have to consider them finally. When a moratorium was introduced some time back when Rajaji was the Chief Minister, we felt that the principle of moratorium so far as these contracts were concerned, could not be justified except in times of great depression. The principle of contract has always been regarded in jurisprudence as a sacred one. Once the State begins to interfere generally there will be a feeling of unsettlement in the minds of all people. Credit will be much affected. Therefore, non-interference with free contracts has always been accepted in legal jurisprudence for a long time. Of course, you may ask, 'Have not Courts interfered and done justice to the people?' It is true. In the case of charging of usurious interest and in the case of coercion, interference by Court has been made. But so far as normal contracts are concerned, Courts have been very loath and the judicial system of any country has been loath to interfere with the freedom of contract and sacredness of contract.

THE HON. SRI M. BHAKTAVATSALAM : Courts have been really granting permission for payment in instalments.

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SRI K. BALASUBRAMANYA AYYAR : Order XX, rule 11 of the Civil Procedure Code gives ample power to the Courts to grant permission to pay the debt in instalments. That was one of the reasons mentioned by us when we opposed the moratorium when Rajaji introduced it. When it was made an Act and insolvency was also legalised, he himself, when he was a nominated Member here, said, ' We are going too far.' I remember all those things. Therefore it is that I am stating that that principle must be adhered to by the Government. At the time of passing the decree, the Courts have got absolute power to fix instalments and now we are forcing the Courts in any and every instance to grant payment in instalments. That is the substance of the whole matter. Can we do that and should we do that? That is the simple problem before us. I should not be misunderstood as opposing Gramdan or in any way minimising the work of Acharya Vinobha Bhave. I was one of those who were most enthusiastic at the time of Bhoodan Yagna. You must remember this also. Let us look at the definition of ' Gramdan village '. No definition is given in this particular Bill about it because it refers to the previous Act. ' Gramdan ' means any revenue village or part thereof in which not less than two-thirds of the number of persons owning lands donate all their lands for Gramdan and the total extent of the lands so donated amount in the aggregate to not less than one half of the total extent of the lands. So, the other half may remain and one-third of the persons may not have done anything. You must remember that also. You must remember also, ' When we are giving relief, are we giving too much relief? When we interfere with contracts, are we not interfering too much with them? ' There is, of course, the principle that we must give relief. The Courts have recognized it and have interfered with the freedom of contract. Two hundred and thirty-two hamlets are included in the Schedule and we say that the operation of contracts shall be stayed. Are we not going too far in doing that? That is a matter for the Hon. Minister to consider.

There is also another point. They say that the creditor is harassing the agriculturists. That is always the allegation before the Courts. But Courts have to consider always whether the creditor is actually harassing the debtor. Whenever the creditor sues the debtor, the debtor comes and says that there is harassment. The very fact that you demand your loan is interpreted as harassment. The Legislature should not give too much importance to what they call harassment by creditors. There may be harassment in individual cases. I am not saying that creditors are angels. Creditors are creditors unless you say that there should be no borrowing. In regard to that, Shakespeare says that borrowing dulls the edge of husbandry and lending loses both money and friend. (An hon. Member : Neither a borrower nor a lender be.) Therefore, this is inevitable unless we adopt the Soviet principle that everything belongs to the State. We have also to consider whether agricultural credit will be affected. The co-operative institutions, from the reports that we have got up till now, have been able

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to give credit only to the extent of 14 or 15 per cent and the rest of the credit is given only bby brethren agriculturists. Therefore, in those cases at least we must remember that we should not interfere with contracts. Suppose for the cultivation of land, one has borrowed money. In that case also, the Government want to stay the hands of the creditor. Why should the creditor's hands be stayed? Suppose, in order to defeat or delay repayment to the creditor, one has made Gramdan . . .

3-30
p.m.

SRI A. M. ALLAPICHAJ: One could not have anticipated.

SRI K. BALASUBRAMANYA AYYAR: Could not have anticipated what, I do not understand.

SRI A. M. ALLAPICHAJ: That the Legislature will make a law like this.

SRI K. BALASUBRAMANYA AYYAR: Nobody could have anticipated such a legislation. (Laughter.) There I agree with Sri A. M. Allapichai. Gramdan has done good. I am not suggesting anything against Gramdan. Let us not defame anybody. There may be one or two cases where it is better to give away lands so that creditors may not come and give trouble. In that particular instance, we should not stay the hand of the creditor. This is an important point that we must remember, when we make a law like this. As a general principle, it may be all right. I am not saying that it is hard. But the other thing also we must remember. We must not interfere too lightly with contracts. Even though the Government may have reports that there is harassment, the Government should appoint an officer to go into the whole question. The Government should be satisfied that there is 'harassment' only by the creditors and not by the debtors. Therefore it is I would suggest the appointment of an officer to enquire into the matter. The Government should take power to notify on what day this legislation will come into force. They should investigate the position. I agree that the Government have received reports. What these reports are, we know too well. I have never trusted these reports. In connection with the Tiruchirappalli Kaiaeruvaram and Mattuvaram Bill, we sent a Revenue Board Officer to investigate the matter. That is within the experience of all. The Revenue Board Officer reported that the kaiaeruvaramdars were only servants, while before his report, the kaiaeruvaramdars were considered tenants. I am not here saying anything against individuals. But an officer of some standing must be sent to find out the position. These lands go to Sarvodaya Panchayats. The whole land vests in them. When once it is in panchayat, he is free not to pay anything. This will become a dangerous pattern of our State, where there will be no application of law of contract. I am feeling that this legislation ought not to be lightly undertaken in this country. The Government should satisfy themselves that without this legislation things will come to a pass, that there will be no cultivation, etc. Only in that emergency, the Government might think of applying this

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legislation. I would like to say that this legislation should not come into force at once. But the Government should take power to appoint the date by notification. If they think that it is absolutely necessary to apply this legislation to any particular place, let them. Otherwise, let them not. This is one point.

Repayment in the case of every creditor should not be stayed. That is, a moratorium of a general kind should not be given. Suppose there are public bodies who have given loans. There are also co-operative societies. The Government are always in favour of the co-operative societies, because the whole of the Third Five-Year Plan is concerned with co-operation. Co-operation seems to be writ large not only on the portals of offices but also on the heads of individuals. Even yesterday I read a statement that co-operation up till now had not succeeded as much as it was expected to. For the last fifty years we have tried co-operation. Instead of talking of co-operation, we must find out why co-operation has not been a success. Co-operative societies are exempted in all these moratoria. Here too . . .

SRI A. GAJAPATHY NAYAGAR: The hon. Member Sri Balasubramanya Ayyar will kindly discriminate between credit co-operative societies and service co-operative societies. The hon. Member talks of credit co-operative societies. Now we have come to service co-operatives.

SRI K. BALASUBRAMANYA AYYAR: Not mere service, but now it is multi-purpose co-operative societies. What is meant by multi-purpose co-operative society? It includes not only credit societies but also service societies.

SRI A. GAJAPATHY NAYAGAR: The hon. Member cannot say that service co-operative must fail.

DR. A. SREENIVASAN: அவருக்கு நல்ல பிரச்சனை உண்டு, அதைப் பற்றி. . .

SRI K. BALASUBRAMANYA AYYAR: You have not known what a service co-operative society is. You write an article that multi-purpose service co-operative society is not very dangerous. Let us take things as legislators. Let us not be carried away by slogans. You would not have been a successful judge, if you . . .

SRI A. GAJAPATHY NAYAGAR: I had been and I took both law and . . .

MR. CHAIRMAN: The hon. Member will please address the Chair.

SRI A. GAJAPATHY NAYAGAR: When he refers to me, I must speak.

MR. CHAIRMAN: Please do not interrupt.

SRI K. BALASUBRAMANYA AYYAR: Let him, Sir, because things will become clearer and there will also be some fun. I am not objecting to co-operative societies. My friend thought that I

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was objecting to it. What I am saying is that instead of exempting only co-operative societies, those public bodies, which give loans for the sake of helping people, may also be exempted. It is for that purpose that I am mentioning this. But he went on a different track. What I am saying is that there are loans given by many public bodies also. We should not fetter the hands of all public bodies. We can order stay in the case of loans on usurious rates of interest or others the conditions of which are, on the face of it, very bad. That is why Courts have been given power and discretion to give relief on a full consideration of the circumstances. This is always done in Courts of Law. But they never said, 'You should not repay your debts'. That is why I say that the measure should not be applied immediately, but only after a thorough investigation by a very reliable officer of the conditions prevailing at present. If the Hon. Minister is satisfied that the people deserve moratorium, then he may apply this measure. I am not entirely opposed to this measure. As a matter of fact, I have given notice of amendments with a view to making clear what the exemptions ought to be. It is just a matter for the Hon. Minister to consider and decide.

* SRI P. S. KRISHNASWAMY AYYANGAR : Mr. Chairman, Sir, the objects of the Bill are elaborately given in the Preamble itself. It is intended to promote the Sarvodaya movement in a way, and it is intended to create an atmosphere which would induce people to donate lands for Gramdan. The Government want to give a lot of encouragement to Sarvodaya workers in the work they are doing now. In that respect it is a welcome Bill.

I have got a doubt to be cleared in regard to this Bill. It is very wide in its scope. It says that anybody residing in a Gramdan village will derive the benefits of the provisions of this legislation. This will enable some persons who want to postpone payment of debts to go to and reside in a Gramdan village. (Laughter.) It does not say that he should possess lands there or that he should have donated land for Gramdan. (Sri K. Balasubramanya Ayyar : As people have gone to Pondicherry, they will take residence in a Gramdan village.) If the Gramdan village is a health resort, a millionaire may take it into his head to set up his residence there. He may have a very large estate outside the Gramdan village. At the same time, he may be indebted. But having got into the village and having taken up his residence there, under the provisions of this Bill, he would be exempt from making repayment of his debt. He would have all the benefits available under this measure. Again in those days when child marriage was prohibited in this State, people went to foreign States like Pondicherry and other French possessions and there they had their minor children married and then they came over here. It was only when the marriage took place within the State that it was considered an offence. But they escaped punishment by going out of the State and having the marriage celebrated in a foreign State. In the same way, a person who wants to delay the repayment of the debt

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may give up his residence in a particular village and may resort to residence in one of the Gramdan villages and then he will become entitled to all the benefits of the provisions of the Act. So, it is so wide. Is it the intention of the Government that such wide scope should be given with regard to all debts, whether they are debts of agriculturists or debts of persons who own large estates outside the Gramdan villages? Again, in my opinion, certain verbal alterations in the Bill and certain insertions also may be necessary.

Now, 'Gramdan village' is not defined in this Bill. No doubt, it might have been defined in the Bhoodan Act. But, we must definitely say here that a 'Gramdan village' means a defined area or has got the same meaning as is assigned to it in the Bhoodan Act or, it should be definitely defined here. This is a lacuna.

No doubt, we can understand the word 'State'. 'State' usually means the Madras State. But, in many other Acts it is stated that 'State' means the Madras State. Here in the Bill under consideration, in many places, there is reference to State, but it has not been defined in the Bill. That is a lacuna which has got to be removed.

Clause 4 (1) states that the debt of a resident of Gramdan village may be repaid in three equal annual instalments on or before the 1st July of every year succeeding the period specified in the previous clause. It also says that the payment of any one instalment should be accompanied with payment of interest due in respect of that instalment. It is stated there, ' . . . with the interest due on such instalment up to that date.' 'Up to that date' would mean only up to '1st July'. Payment may be made much earlier than 1st July. Do you mean even then, that is, even though he may make payment before 1st of July, interest will have to be included up to 1st July and the entire interest will have to be paid? Therefore, instead of the expression, 'up to that date', the better wording would be 'up to the date of payment'. Now, suppose he makes payment of a particular instalment. That amount should be accompanied with interest due on that amount up to the date of payment of that instalment and not up to 1st July. To make this position clear, we will have to say in the place of the present expression, that he will have to pay interest up to the date of the payment of the particular instalment. Now, a creditor may say that interest has not been calculated up to 1st July and that, therefore, the amount falls short of the interest that is actually due under the provisions of this clause. No doubt, the amount will be a small one. All the same, cantankerous litigants would take an unreasonable attitude and they would take shelter under the terms of the provision contained here. There should be no room for such a thing.

Under sub-clause (5) of clause 4, a Court may grant more favourable terms than those provided for in this Bill. This is what it says. ' . . . under such terms and conditions as may be more

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favourable to the debtor than those provided for in this section . . . ' Instead of the expression 'under such terms . . . ', it would be better to use the expression ' . . . with conditions and with terms more favourable '.

Sub-clause (2) of clause 5 permits a debtor to deposit into Court the amount due in respect of a particular instalment. Then, he may apply for recording part-satisfaction of the debt. It says, ' . . . Where any such application is made, the Court shall make an order recording part-satisfaction of the debt if the amount deposited is the correct amount . . . ' On the other hand, it makes no provision for notice and hearing of objections. The clause only states, ' where any such application is made, the Court shall make an order . . . ' It makes no provision for the issue of notice to the creditor. That is an omission which will have to be filled up. In every case, if there are two parties and if one party comes in with an application, the other party should certainly be heard with regard to the application made. Therefore, notice will have to be given to the other party, his objections should be heard and then the order will have to be passed. We have sub-clause (5) of clause 5 which states, ' the procedure laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the trial of suits shall, as far as may be, apply to the applications under this section'. They may say that there is this provision. But, it relates only to trial of suits. It does not say that it will apply to the entire proceedings connected with the suit. Trial is a quite different thing and is detachable from the earlier portions. Therefore, we cannot take shelter under that and justify the absence of a provision for the issue of notice under sub-clause (2). In sub-clause (4), provision for the issue of notice to the creditor is made. But that is all. When notice is issued to a creditor, does it follow that the Court can straightway pass an order? That is what we have to consider here. Is not the Court bound to hear the objections of the other side, that is, of the creditor to whom notice has been given? The sub-clause simply says that notice shall be given. Can the Court proceed further without hearing objections? Certainly it should not. Therefore, I say, we must change the wording like this. ' Notice shall be given to the creditor, his objections shall be heard and then the Court shall pass a reasonable order . . . ' That would be the correct procedure. Therefore, whatever terms will have to be added must be added here.

Clause 6 says, ' An appeal shall lie from an order made by a Court under section 5, as if such an order related to the execution, discharge or satisfaction of a decree within the meaning of section 47 of the Code of Civil Procedure, 1908' It is no doubt a question relating to execution. But, every question relating to execution will not be appealable. Clause 6 says that every order made with regard to the amount of deposit will be appealable. That will be going against the provisions of the Civil Procedure Code. Suppose a matter or claim is cognizable only by a Small Causes

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Court. In such cases, no appeal has been provided for in the Civil Procedure Code and so, this will go contra to the provisions in the Civil Procedure Code. Here, all matters which will be deemed to be matters relating to execution will be taken in appeal. That means, even claims of a Small Causes nature will be taken in appeal. That will be against the provisions contained in the Civil Procedure Code. Will the Government be within their powers to enact such a provision? I think that they will not be. Therefore, I wish to point out that it requires some modification. With these few words, I conclude my speech, Sir.

3.50 p.m. SRI M. SESHACHARIAR : Mr. Chairman, I wish to say only one thing about this. There is already some doubt about residence raised by the hon. Member who preceded me. Where a person has given away the entire village and resides there, he must be treated as a resident of the village and that has to be agreed to. Unless it is made clear, it may lead to persons who do nothing and who have nothing to do with a Gramdan village going and remaining there in order to secure all these advantages. Some provision has to be made in this respect. It should also be made clear that a person should be resident on and from a particular date. Unless it is restricted to a definite date, difficulties will arise. This must also be done. A donor may donate an entire village or a part of it and live in another village. Because he had donated the entire village, the creditors might rush to Court and proceed against him for recovery of their dues from him. Because he lives in another village, the benefits of this Bill should not be denied to him. The Statement of Objects and Reasons is very clear on the point that the Bill is primarily intended for the purpose of helping those who have donated villages or parts thereof for Gramdan purpose. As it is, if a person lives in another village, he will not be entitled to this benefit. An amendment here also seems to be absolutely necessary.

* SRI T. PURUSHOTHAM : Mr. Chairman, the Hon. Minister has explained the objects of the Bill and the principle underlying it has been accepted by the hon. Member Mr. Balasubramanya Ayyar. The hon. Member raised various legal points which I am sure the Hon. Minister will consider. The hon. Member Mr. P. S. Krishnaswamy Ayyangar has suggested certain improvements to the Bill. Especially he was saying that the Gramdan villages should not be made places for others to migrate and reside in order to get the benefits of this Bill. I am sure it is not the intention of the Government to facilitate such migration. Only those who were in the villages at the time the Bill was passed would be eligible for the benefits of Gramdan villager and not those who go and reside there later. We all agree that temporary relief should be given to all those who live in these gifted villages by way of moratorium for a specified period as provided for in the Bill. I feel that the relief that is sought to be given to indebted persons in these Gramdan villages should be extended to donors who are

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resident in or outside the villages. All Gramdan donors may not be resident in the particular village where they have donated the lands. They might have donated the lands and might be resident in Madras or in the adjoining villages. They should have the benefit of this Moratorium Act. I know of a particular case in which Gramdan of an entire village was made due to the efforts of a certain gentleman. But the donor is living in an adjoining village. It would appear to be fair that such persons are given some relief. I know donors of lands, having given away their lands, are having all sorts of difficulties, as mentioned in the Statement of Objects and Reasons. They are subjected to more than ordinary pressure for repayment of debts. I, therefore, feel that the landlords who have surrendered their rights over the land in favour of the village community should have the benefit of this Act. They may not be resident in the same villages. I have given notice of an amendment to that effect and I hope the Government will have this aspect of the question examined.

* SRI A. M. ALLAPICHAJ : Mr. Chairman, I think some of the suggestions made by the hon. the Deputy Leader of the Opposition and some of our other friends here are very sound. 'Gramdan villager' may mean anybody. Anybody who goes there may form part of the village community. So, we must have some basis on which to determine who is resident. If we say 'people who have donated lands to the movement', it is all right. But there is residence qualification. When a man does some good, the whole village benefits and that man must be helped. (Sri K. Balasubramanya Ayyar : At the cost of the creditor.) I do not think that is the idea of the Government. I think if we apply this moratorium to persons who have made donations of land for Gramdan, then that will be an encouragement for others to make donations of land. But suppose a man has donated nothing and he is going to enjoy. We must check it.

Then, Sir, I have always felt that the Government must set good examples for others to follow in anything that they do. They say that moneys due to private parties could be paid after four years and that this provision will not apply to dues to the Central Government, the State Government and to co-operative societies. As far as the Central Government are concerned, we are not in a position to legislate. As far as the State Government are concerned, when it is stated that the Gramdan donors should not be troubled by private people who have lent them money, it is much more the responsibility of the State Government to see to the postponement of collection of the Government dues. As a matter of fact, that is how I feel. When the Government feel that the Act must be there in the interests of people who donate lands, they must themselves show the way first.

About the other point made by my hon. Friend, Sir, a man might have donated lands and yet reside in another place. He might be indebted and he must be helped. I also feel that all that

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the hon. Member Mr. Balasubramanya Ayyar said about principles of law is correct. Laws are made by persons who are in power. Generally they make laws to safeguard their own interests. This has been so from time immemorial. What was a good law in the past has now become a bad law. As time changes, we must also modify our laws. Therefore, we cannot say merely because at a certain time in the past we regarded contracts to be sacred, changes should not be made. As time goes on, we must change and cannot keep anything eternal. These are my only suggestions.

* SRI B. K. NALLASWAMI : கனம் சபாநாயகர் அவர்களே இந்த மசோதாவை நான் மனப்பூர்வமாக வரவேற்கின்றேன். நமது எதிர்க்கட்சி உப-தலைவர் அவர்கள் பேசும்போது, “கூட்டுறவு” என்ற வார்த்தைக்கே ஏதோ மனதில் ஒரு வெறுப்பு உணர்ச்சியை உண்டாக்கிக்கொண்டு பேசியதுபோல் தோன்றியது. (ஸ்ரீ K. பாலசுப்பிரமணிய அய்யர் : அதெல்லாம் ஒன்றும் இல்லை.) கிராமதான இயக்கம் நமக்கு வரப்போகிற கூட்டுறவு விவசாயச் சங்கங்களுக்கு ஒரு முன்மாதிரியாக இருக்கப் போகிறது என்று நான் சொல்லிக்கொள்ள விரும்புகிறேன். இது எப்படி வேலை செய்கிறது என்று நாம் கவனிக்கவேண்டும். கனம் அங்கத்தினர் நினைப்பதைப்போல் உத்தியோகஸ்தர்களைக் கொண்ட ஒரு சங்கத்தை நாம் அமைக்கப் போவதில்லை. அம்மாதிரியான ஒரு சமுதாயத்தை நிறுவப் போவதில்லை. மக்களாகவே சேர்ந்து அவர்களாகவே ஒரு சமுதாயத்தை அமைத்துக் கொள்ளக்கூடிய லட்சியத்தை அடிப்படையாகக் கொண்டுதான் கிராமதான இயக்கம் இன்று வந்திருக்கிறது. அதை அடிப்படையாகக் கொண்டுதான் இந்த மசோதாவை நாம் இங்கே பிரேரேபித்திருக்கிறோம்.

நமது மதிப்பிற்குரிய திரு. கிருஷ்ணசுவாமி அய்யங்கார் அவர்கள் பேசும்போது, “கிராமதான கிராமத்திற்கு வெளியிலே இருந்து வந்து குடியேறிக் கொண்டு இதனுடைய பலனை அனுபவிப்பார்கள்” என்று சொன்னார்கள். ஆனால், நான் இன்னும் ஒன்றுகூடச் சேர்த்துச் சொல்லுகிறேன். மசோதாவிலே இருக்கும்படியே வைத்துக்கொண்டால், இந்தக் கிராமதான கிராமத்திலே இருக்கும் வியாபாரி, அங்கே ஒரு பெரிய தொழில் நடத்துவார்கூட, ஒரு பஸ் ஆரோட்டர் கூட இந்த வசதியைப் பெற்றுவிடக் கூடும், அங்கே குடியிருப்பதன் காரணமாக. ஆகவே, “கிராமவாசி” என்பதை நல்ல முறையிலே திருத்தி அமைக்க வேண்டுமென்று நான் விரும்புகிறேன். அதனால்தான், “அந்தக் கிராமத்திலே இருந்துகொண்டு விவசாயம் செய்பவர்களாக இருக்க வேண்டும்” என்று நான் திருத்தம் கொடுத்திருக்கிறேன். முன்னாலே செய்த மசோதாவிலே கூட, “விவசாயம் செய்பவர்களாக இருக்க வேண்டும்” என்று சில நிபந்தனை (ப்ரொவிசோ)களையெல்லாம் போட்டோம். ஆகவே, கிராமதானம் கொடுப்பதில் கூட சில ஏமாற்றுப் பேர்வழிகள் இருக்கிறார்கள். என்னுடைய அனுபவத்திலிருந்து ஒரு உதாரணம் சொல்லுகிறேன். பூமிதானம் வாங்கச் சென்ற சமயத்தில் ஒரு மிட்டாதார் சட்ட நடவடிக்கைகள் கோர்ட்டிலே இருக்கின்றன, அதனால் தந்துவிடுவதாகச் சொன்னார். மிஞ்சியிருக்கும் நிலத்திற்கு இதனால் அனுகூலம் கிடைக்குமென்று கருதினார். “தகராறு உள்ள நிலத்தின் ஒரு பகுதியைப் பூமிதானம் கொடுப்பதன் மூலம் என்னுடைய தொல்லைகள் எல்லாம் விடுபட்டுப்போகும் என்று கருதுகிறேன்” என்று சொன்னார். இதிலே கொஞ்சம் நிலத்தைக் கொடுத்தவிட்டு மற்ற செளகரியங்களை எல்லாம் அடைய வேண்டுமென்று நினைப்பவர்களும் இல்லாமல் இல்லை. நம் நாட்டிலே அப்படி ஒருவர் சொன்னார். அதை உதாரணமாக வைத்துக் கொண்டு தான் சொல்லுகிறேன்.

ஒரு கிராமத்தில் பூமியைத் தானம் கொடுத்தவர் வேறு கிராமத்தில் சொத்து உடையவராகக்கூட இருக்கலாம். “ஆகையால் விவசாயி” என்றால், அந்தக் கிராமத்தில் வசிக்கும் விவசாயியாக இருக்கவேண்டும். அந்தக்

12th March 1959]

[Sri B. K. Nallaswami]

கிராமத்திலுள்ள நிலங்களுக்குப் பாதுகாப்பு வேண்டும் என்று நான் சொன்னேன். வேறு சொத்தை வேறு இடத்தில் வைத்துக்கொண்டு அவருக்கும் விதிவிலக்கு அளிப்பதென்றால், அதில் நியாயமே இருக்க முடியாது. விவசாயம் செய்யக் கூடியவர்களாக இருந்து அந்தக் கிராமத்திலே இருப்பவர்களாகவும் வேறு சொத்து இல்லாதவர்களாகவும் இருந்தால்தான், பாதுகாப்பு அளிக்கவேண்டும். அந்தக் கிராமத்திற்கும் அந்த நிலங்களுக்கும் பாதுகாப்பு அளிக்கவேண்டுமே தவிர “தானம் செய்தார்” என்பதற்காக இந்த மசோதா கொண்டுவந்து, தானம் செய்தவர்களுக்கு எல்லாம் பாதுகாப்பு அளிக்கவேண்டுமென்று சொன்னால், அது தவறான எண்ணம் என்று சொல்கிறேன். கிராமத்திலே வசித்துக்கொண்டு விவசாயம் செய்பவர்களாக இருக்கவேண்டும். வெளியே வேறு சொத்து இல்லாமல் இருக்கவேண்டும். நான் ஒரு திருத்தம் கொடுத்திருக்கிறேன். அதை ஏற்றுக்கொள்ளும்படி கேட்டுக்கொண்டு என்னுடைய உரையை முடித்துக்கொள்ளுகிறேன்.

***DR. A. CHIDAMBARANATHAN :** மதிப்பிற்குரிய தலைவர் அவர்களே, இந்த மசோதாவைப் பார்க்கும்போது, நான் படித்த ஒரு கதை நினைவுக்கு வருகிறது. அந்தக் கதையின்படி யாரோ இரண்டு பேர் (அண்ணன்-தம்பி) வழக்காடிக்கொண்டிருக்கும் நேரத்திலே, கடவுளிடத்தில் இரண்டு தேங்காய்களைத் தனித்தனியாக உடைக்கப்போனார்கள். கடவுள் பார்த்து, “நீங்கள் உங்களுக்குள்ளாக இருக்கும் வழக்கை முடித்துக்கொண்டு, பிறகு தேங்காயை உடைக்க வாருங்கள் : அப்பொழுதுதான் உங்களுடைய தேங்காயை ஏற்றுக்கொள்ளக்கூடும்” என்று சொன்னாராம். அதுபோல், இந்த மசோதாவை நோக்கும்போது எனக்கு ஒரு கருத்து உண்டாகிறது. கடன்பட்டவர்களெல்லாம், அவர்களுடைய நிலத்தைக் கிராமதானத்திற்கு வழங்க முன் வந்த போது, அதைக் கடன் கொடுத்தவருக்கும் கடன் வாங்கியவருக்கும் இடையே வழக்கு இருக்கும் போது, அரசாங்கம், “உங்கள் வழக்கைத் தீர்த்துக்கொண்டு நிலத்தைக் கொடுங்கள்” என்று சொல்லியிருந்தால், எவ்வளவு நன்றாக இருந்திருக்கும் என்று எனக்குத் தோன்றிற்று. (சிரிப்பு.)

அதே நேரத்தில், இந்த அரசாங்கம் தன்னைப் பொறுத்த வரையில், இந்திய அரசாங்கத்தைப் பொறுத்த வரையில், வேண்டிய பாதுகாப்புகளை யெல்லாம் குறிப்பிட்ட மசோதாவினால் நன்றாக, ஒழுங்காகச் செய்துகொள்ள முனைந்திருக்கிறது. மத்திய அரசாங்கத்திற்கோ இந்த மாநில அரசாங்கத்திற்கோ உரிய கடன்களை, பணங்களை வசூலித்துக்கொள்வதற்குத் தடை இந்தக் கிராமதானச் சட்டத்தினாலே ஏற்படவில்லை. ஆனால், தனியார் பணம் கொடுத்திருந்தால் மாதிரி, அதை வசூலிப்பதிலே இந்தத் தடை ஏற்படுகிறது. எனவே, அரசாங்கம் தனக்கு உரிய பணத்தை, தனக்கு வரவேண்டிய பணத்தை வசூலிப்பதற்கு எவ்வளவு பாதுகாப்புகள் செய்து கொண்டிருக்கிறதோ அவ்வளவு பாதுகாப்புகளைக் குடிமக்கள் அரசாங்கமாக உள்ள இந்த அரசாங்கம் ஏன் குடிமக்களுக்கு நலக்க் கூடாது என்பதுதான் என்னுடைய கேள்வி.

அதற்கு அடுத்தபடியாக, நில அடமானக் கூட்டுறவு வங்கிகளுக்குக் கொடுக்கும் பாதுகாப்புகளை ஏன் மற்ற வங்கிகளுக்கும் கொடுக்கக் கூடாது என்பது என்னுடைய கேள்வி. நில அடமான வங்கிகள் மாதிரி இந்தப் பாதுகாப்புக்களைப் பெற்றுக்கொண்டு, தங்களுக்கு உரிய கடன்களைக் காலத்தில் வசூல் செய்வதற்கு வழி வகை காணுகிறபோது, ஏன் மற்ற வங்கிகளுக்கும் அந்த உரிமையை நலக்க் கூடாது என்பது என்னுடைய கேள்வி. சில வங்கிகள் தங்களுக்கு உரிய கடன்கள் திரும்ப வரும் காலத்தை அனுசரித்து, அதை எதிர்பார்த்து அதற்கு வேண்டிய பண வசதிகளை (resources) அமைத்துக்கொள்வனவையுமிருக்கும். அப்படியிருக்கும்போது, அவற்றைப் பாதிக்காத முறையில் ஏன் இந்தச் சட்டத்தைச் செய்யக் கூடாது, அதற்கு உரிய திருத்தங்களை ஏன் செய்யக் கூடாது என்று கேட்டு அமருகிறேன்.

[12th March 1959]

SRI A. GAJAPATHY NAYAGAR : மன்றத் தலைவர் அவர்களே, ஜம்புது லட்சம் ஏக்கராக்கள் வரையில் தானமாகக் கொடுக்கப்பட்டிருக்கின்றன என்று காலையில் பத்திரிகையில் படித்தேன். “கிராமதானம்” என்று சொல்லும்போது, அது யாருக்குக் கொடுக்கின்றார்கள், அதைச் செய்யவேண்டிய முறை என்ன, எந்த வகையிலே கையாள வேண்டும் என்பதற்குத்தான் சட்டம் வேண்டும். இவ்வளவு நிலத்தை வாங்கிக் கொண்டு சட்டம் செய்யாவிட்டால் அது தானம் கொடுத்தவர்களுக்கும் சரியாக வராது, தானம் பெற்றவர்களுக்கும் சரியாக வராது. சட்டம் செய்வது முக்கியம் என்று அறிய வேண்டும்.

இரண்டாவது, நம்முடைய பிரதமர் பல சந்தர்ப்பங்களில் பேசும் போது, “எதிர்கால விவசாயத்தை நாம் நல்ல முறையிலே செய்ய வேண்டுமென்றால், அது கூட்டுப் பண்ணையாகவும் சர்வீஸ் கோவாப்பரேட்டிவாகவும் இருந்தால்தான் முடியும்” என்று சொல்கிறார். பழைய காலத்தில் கூட்டுறவு பல முறைகளில் இருந்திருக்கலாம். அதற்குக் காரணம் எனக்குத் தெரியும். பல காரணங்கள் உண்டு. சிலபேர் கையில் சிக்குண்டு அவர்களின் கைப்பொம்மையாக அதை வைத்துக்கொண்டிருந்திருக்கலாம். ஆனால், இப்போது அவைகளை ஒழித்து, விவசாயிகளுக்கு நல்ல விதைகள், உரம், மற்ற வசதிகள் செய்துகொடுக்க வரும்போது, சர்வீஸ் கோவாப்பரேட்டிவ்களை வைத்துக்கொண்டு சிந்திக்கவேண்டுமே ஒழிய மற்றவைகளைப் பற்றிச்சிந்திக்கவேண்டிய நேரம் இல்லை. சர்வீஸ் கோவாப்பரேட்டிவ்வை வழக்கத்திற்குக் கொண்டுவருவதற்கு நடைமுறைக்குக் கொண்டுவருவதற்கு இந்தச் சட்டம் அவசியம் என்று நான் தெரிவித்துக் கொள்கிறேன். ஆகையால், இந்தச் சட்டத்தை நாமெல்லோரும் வரவேற்க வேண்டும்.

“ரெஸிடென்ஸ்” என்றால் சட்டத்திலே இடம் இருக்கிறது. குறிப்பிட்ட கால அளவிலே இருந்தால்தான் “ரெஸிடென்ஸ்” என்று கொள்ள வேண்டும். ஆகையால், எங்கேயெல்லாம் குறை வருகிறதோ, அதை அவ்வப்போது திருத்திக்கொள்ளலாம். இப்போதே எந்த எந்தக் குறைகள் வரும், எந்த எந்தக் குறைகள் வராமல் இருக்கும், அந்தக் குறைகளைத் தீர்க்க முடியுமா என்ற பிரச்சனை வேண்டியதில்லை. நடைமுறையில் கொண்டுவந்து குறைகளை அப்போதைக்கப்போது தீர்த்துக்கொண்டு போவதுதான் நல்ல முறை என்று சொல்லிக்கொண்டு இந்த மசோதாவை நான் மனமார வரவேற்கிறேன்.

SRI P. T. RAJAN : Mr. Chairman, Sir, with your permission, I move—

‘That the Madras Gramdan Villages (Repayment of Debts) Bill, 1959 (L.C. Bill No. 3 of 1959) be referred to a Select Committee consisting of the following Members with instructions to report on the 18th of March 1959 :—

The Hon. Sri M. Bhaktavatsalam.

The Hon. Sri R. Venkataraman.

Sri K. Balasubramanya Ayyar.

Sri P. S. Krishnaswamy Ayyangar.

Sri A. Gajapathy Nayagar.

Sri T. Purushotham.

Sri B. K. Nallaswami.

Sri P. T. Rajan.’

SRI K. BALASUBRAMANYA AYYAR : Sir, I second it.

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MR. CHAIRMAN : Amendment moved—

‘ That the Madras Gramdan Villages (Repayment of Debts Bill, 1959 (L.C. Bill No. 3 of 1959) be referred to a Select Committee consisting of the following Members with instructions to report on the 18th of March 1959 :—

The Hon. Sri M. Bhaktavatsalam.

The Hon. Sri R. Venkataraman.

Sri K. Balasubramanya Ayyar.

Sri P. S. Krishnaswamy Ayyangar

Sri A. Gajapathy Nayagar.

Sri T. Purushotham.

Sri B. K. Nallaswami.

Sri P. T. Rajan. ’

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I am agreeable to this motion to refer this Bill to a Select Committee with instructions to report on the 18th of March 1959.

Sir, I would like to point out that this is only a moratorium measure. There is no question of cancellation of debts or scaling down of debts. Secondly, this Bill applies to about 200 villages where Gramdan has been made. Thirdly, it is intended for the benefit of the communities living in the Gramdan villages. Lands have been donated for the benefit of the people there. We are interested in helping the community to re-establish itself there. The land is there and they must be rehabilitated. That is the main objective behind this Bill.

Sir, about the comment that only Governments and Co-operative Societies and Land Mortgage Banks have been exempted from the operation of this Act, the idea is not that Government should have any special privilege and that Government should be allowed to harass the people. On the other hand, as I have pointed out, we have allotted a sum of Rs. 20 lakhs for the purpose of giving further loans to these people in the villages. Whether it is a co-operative society or a Government, we should regulate the mode of collection of the arrears. In fact, so far as the Government are concerned, we are making provision for giving further loans and there cannot be any question of harassment. And chit funds have also been included. These creditors themselves should have been beneficiaries of these and they should have drawn large amounts and, therefore, we have excluded them. But apart from that, the question is whether these people, in rehabilitating whom we are all interested in these Gramdan villages where Gramdan has been made, should be subject to harassment. After all, the moratorium is only for one year and the creditors have to wait only for one year and after one year, payment has to be made in three yearly instalments and this should not affect the other creditors. This is intended to help the people in the villages to rehabilitate themselves.

4.10
p.m.

Then, Sir, comment was made about the definition of ‘ Gramdan village ’. The Select Committee, I have no doubt, will consider

[Sri M. Bhaktavatsalam] [12th March 1959]

that clause and I myself was thinking that the definition of 'Gramdan village' could be restricted so as to comprise *bona fide* villagers who were living on a specified data. Sir, there was a suggestion that not only residents of the village but also donors of lands who resided outside should be included. But as I have pointed out, the objective behind this measure is to help the community for whom this donation is intended. Therefore, we have not included the donors who reside outside the village. We are not interested in the donors as such. It is not a question of helping the donors with the Act. We are interested in protecting the community. Therefore, Sir, so far as the definition of 'Gramdan village' is concerned, not merely the cultivator but even others are included; for, in these small villages there are also artisans, carpenters and others and they should also be protected and all of them are members of the society and community in the village. It is therefore that the clause is so worded that it comprises all the villagers of the Gramdan village. Sir, it is not a question of somebody being under a dispute and Government intervening to knock away the land. The land has been donated and that has been done with the best of intentions and normally we should not question the *bona fides* of it. There may be cases, as pointed out by the hon. the Deputy Leader of the Opposition. But, normally, we should assume that donations have been made with the highest of motives and we must express appreciation of the idea behind this Act, of parting with one's own land for the benefit not of an individual in whom the donor is interested, but for the benefit of the community as such. Therefore, once land is donated, it has to be taken in the proper light. Now we are only interested in helping the community, in protecting the community. The creditors can wait; they are not going to suffer seriously; it is only for a year they have to wait. Of course, as pointed out by the hon. the Deputy Leader of the Opposition, the Courts are there and they can do that. Even Courts have been exercising, showing human consideration in these matters and they have been decreeing allowing payment in instalments. Still, the Courts may not be judicially aware of the peculiar circumstances under which these communities are situated. Therefore it is we do this. Even in times of depression, this Legislature has passed Moratorium Acts to be in force for a specific period. In the same way we want to help the communities in the Gramdan villages and with that object, this Bill has been brought forward. I do say that the Bill could be corrected, revised, subject to the principles of the Bill being accepted. I do hope that the Select Committee that will be examining the provisions of the Bill will go into all these questions. I commend the motion for reference of the Bill to the Select Committee.

MR. CHAIRMAN : The question is—

'That the Madras Gramdan Villages (Repayment of Debts) Bill, 1959 (L.C. Bill No. 3 of 1959) be referred to a Select Committee consisting of the following Members with instructions to report on the 18th of March 1959 :—

The Hon. Sri M. Bhaktavatsalam.

12th March 1959]

[Mr. Chairman]

The Hon. Sri R. Venkataraman.
Sri K. Balasubramanya Ayyar.
Sri P. S. Krishnaswamy Ayyangar.
Sri A. Gajapathy Nayagar.
Sri T. Purushotham.
Sri B. K. Nallaswami.
Sri P. T. Rajan.'

The amendment was put and carried.

MR. CHAIRMAN : Under rule 99 (1) of the Madras Council Rules, I have to nominate the Chairman of the Select Committee. Accordingly, I nominate the Member in charge of the Bill, the Hon. Sri M. Bhaktavatsalam, to be the Chairman of the Select Committee. The Report of the Select Committee should be presented to the House on the 18th March 1959.

The House will now adjourn and meet again at 3 p.m. on Wednesday, the 18th March 1959.

The House then adjourned.

IV. PAPER LAID ON THE TABLE OF THE HOUSE.

131. Notification issued with G.O. Ms. No. 285, Home, dated 31st January 1959, regarding exemption of tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931) of certain vehicles belonging to Kerala State Transport Department in respect of their journeys made in Madras State area while going to and from New Delhi in connection with the India 1958 Exhibition at New Delhi.